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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,848	08/21/2003	Andrew J. Hazelton	PA0525-US/11269.58	1443
7590 09/14/2007 The Law Office of Steven G. Roeder 5560 Chelsea Avenue La Jolla, CA 92037			EXAMINER NGUYEN, TRAN N	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 09/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/646,848

Applicant(s)

HAZELTON, ANDREW J.

Examiner

Tran N. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,9-32 and 34-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,9-32,34-55 and 61-66 is/are allowed.
- 6) ☒ Claim(s) 56-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 56-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dombrovski et al (US 6,313,556)** in view of **Sogard et al (US 6,770,987)**.

Dombrovski discloses a mover including an outer surface (as seen in Fig. 1), a magnet component (Fig. 1, #52) and a conductor component (Fig. 1, #72), wherein the conductor component has a first passageway (Fig. 1, #76 & 78), and a second passageway (Fig. 1, #44) that is at least partially encircled by the first passageway; and a circulation system (Fig. 1, #16 & 20) comprising a fluid source that directs a first fluid to the first passageway and a second fluid to the second passageway, wherein the fluid source controls the temperature and flow of the second fluid so that the second fluid is approximately boiling at the inlet (the cryogenic fluid used in this system would inherently be boiling at least during the initial operation of the device); wherein the fluid source controls the temperature and flow of the first fluid so that the temperature of the outer surface is approximately equal to an ambient temperature (Col. 5, Lines 30-49; the stator cooling means will cool the stator support (Fig. 1, #74) which forms an outer surface of the mover) and the second fluid is approximately boiling. **Dombrovski** substantially discloses the claimed invention, except for the newly added limitations of the mover's conductor component that is movable relative to the magnet component.

Sogard, however, teaches a mover having conductor component (14) that is movable relative to the magnet component (12) (figs 1-3) for the purpose of more favorably controlling the

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electric current input to the conductor so that the current magnitudes and polarity are adjustable properly with respect to the magnet component for controllable net force on the mover resulting in increasing efficiency.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the **Dombrovski** mover by re-arranging the mover's conductor component that is movable relative to the magnet component, as taught by **Sogard**. Doing so would enable effectively control the net force on the mover resulting in improving efficiency thereof. Furthermore, re-arranging part of an invention involves only routine skill in the art (*In re Japikse*, 86 USPQ 70) since one of ordinary skill in the art would have the necessary mechanical skill to make simple reversals of positions of mechanical parts without an express teaching in a reference (*In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969). Also, the Examiner take Official Notice that electrical movers such as linear motors or rotary motors having conductor component that is movable relative to the magnet component are well known in the art. See the cited refs for evidence supports this statement.

Allowable Subject Matter

Claims 1, 3-5, 9-32, 34-55, and 61-66 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

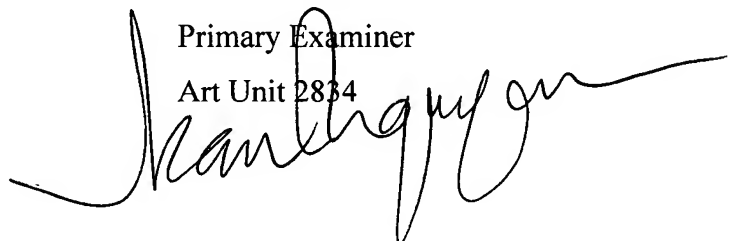
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is 571-272-2030. The examiner can normally be reached on 7:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. (**Note**: Use this Central Fax number 571-273-8300 for all official response.)

Do **not** use the Examiner's RightFax number without informing the Examiner first because, according to the USPTO policy, any document being sent via RightFax is treated as unofficial response and will not be officially dated until it is routed to the Central Fax.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tran N. Nguyen
Primary Examiner
Art Unit 2834

A handwritten signature in black ink, appearing to read 'Tran N. Nguyen', is written over the printed name and title.